

J. Keith Gillless PhD, Chair
Board of Forestry and Fire Protection
Attn: Kevin Conway, Staff Forester
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Sacramento, CA 94244-2460
VIA EMAIL: board.public.comments@bof.ca.gov

RE: Comments on “Forest Fire Prevention Pilot Project Exemption” - New section 1038(j)

Dear Chair Gillless and Board Members:

The California Forestry Association greatly appreciates the opportunity to provide input on this very important proposed regulation. The proposed regulation implements AB744 that was authored last year by Assembly Members Dahle and Gordon. This bill recognized the need to create a more useable exemption to facilitate the thinning of overstocked stands for fuel hazard reduction. The current exemption (1038 (i)) has had very limited use since it was implemented over 10 years with less than 1,000 acres treated annually. The key constraints have been the maximum tree diameter (18 inches at stump height) and the slash cleanup requirements (9 inches maximum depth and a narrow time period).

The new statute increases the maximum stump diameter to 24”, but is silent on the slash cleanup requirements. The bill authors recognized the need to revisit this issue in a letter addressed to the Board dated October 3, 2103. Paragraph four of the letter from Assembly Members Dahle and Gordon states:

“In particular, please be aware that AB744 did not include the same highly prescriptive language regarding post-harvest slash treatment that is required under §1038(i). Rather than legislating such level of detail, we defer to the Board to develop standards that ensure that post-harvest slash treatment is thorough enough to accomplish the desired reduction in fire severity, while addressing the habitat needs of key wildlife in the region, all while being practical about the cost of treatment.”

Based on these comments from the authors of AB744 we have developed slash treatment language that we believe meets the intent of the statute and will provide landowners a useable tool to thin overstocked stands. We respectfully request that the Board consider modifying the slash treatment requirements at page 4, items (10) and (11) as follows:

(10)(C) All logging slash created by the timber operations shall be treated to achieve a maximum average post-harvest depth of 18 inches above the ground. Areas where treatment includes whole tree yarding may alternatively apply post-harvest slash standards of less than 25 bone dry tons per acre. These standards shall not apply to landing piles created under this exemption.

(D) The requirements of this subsection shall not supersede the requirements of PRC § 4291.

(11) Treatments for logging slash and other fuels shall include lopping, chipping, removing, piling and burning, broadcast burning or other methods.

(A) Logging slash and other fuels to be treated by piling and burning or broadcast burning and landing piles shall be treated as follows:

(i) Slash and fuels created prior to September 1 shall be treated not later than April 1 of the year following its creation, or within 30 days following climatic access after April 1 of the year following its creation;

(ii) Slash and fuels created on or after September 1 shall be treated not later than April 1 of the second year following its creation, or within 30 days following climatic access after April 1 of the second year following its creation.

(iii) Treatment conducted pursuant to 14 CCR § 1038(j)(11)(A) shall be exempt from the one year time limitations described under 14 CCR § 1038.1.

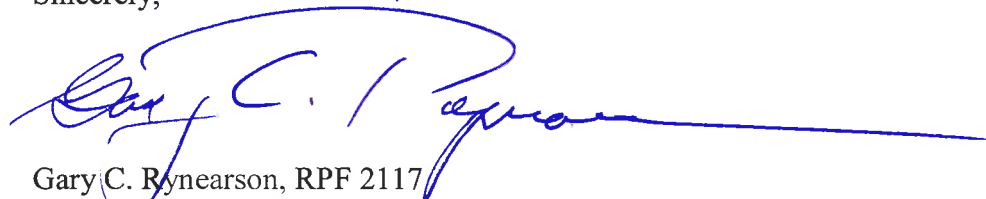
(B) Treatments of slash and fuel for any portion of the exemption area where timber operations have occurred except for burning operations and landing piles created under this exemption shall be completed within 120 days from the start of timber operations on that portion of the exemption area.

We believe the above slash treatment provisions will help to encourage the use of this exemption thereby resulting in more acres of fuel reduction being realized. It is also important to note that this regulation implements a pilot project that will sunset three years after the Board rules have been adopted. The statute also includes the following required evaluation:

"The department shall maintain records regarding the use of the exemption granted in this paragraph in order to evaluate the impact of the exemption on fuel reduction and natural resources in areas where the exemption has been used."

We encourage the Board to request annual reports from the Department regarding the implementation of the pilot project to provide for any needed adjustments to the regulations. Thank you for your consideration of our recommended changes.

Sincerely,



Gary C. Rynearson, RPF 2117
Chair, CFA Regulatory Affairs Committee